

RE: FREEDOM OF INFORMATION ACT REQUEST

To whom it may concern,

This is a request under the Freedom of Information Act (5 U.S.C. § 552).

I. REQUESTED RECORDS

I hereby request copies of all records containing the following information:

Under the Vacancies Act, Executive agencies must maintain records and report all instances in which an individual serves in an acting capacity for a Presidentially Appointed and Senate Confirmed (“PAS”) position to the Comptroller General of the United States and each House of Congress (5 U.S. Code § 3349(a)(2)). Further, the Vacancies Act allows for the authority of PAS positions to be delegated to other agency officials (5 U.S. Code § 3348). I seek copies of all records and documents related to officials serving in an acting capacity for and those delegated authority of PAS positions. My request includes information and documents related to:

- Names of individuals serving in an acting capacity and the position in which they serve.
- The start and end dates of individuals serving in an acting capacity.
- Whether the President directed the individual to serve in an acting capacity or if the individual was the “first assistant to the office.” (5 U.S. Code § 3345(a)).
- Names and position titles of individuals delegated authority originating in a PAS position (5 U.S. Code § 3348).
- Details of the authority granted to those individuals.
- Length of period in which delegation of authority occurred.

I seek all records for the period of January 1, 2009 to January 1, 2020.

II. FEE STATUS AND FEE WAIVER — EDUCATIONAL REQUESTER

In order to help determine my fee status, you should know that I am a researcher in the Department of Political Science at Vanderbilt University. My current research interests concern agency management, in particular vacancies in PAS positions and the use of acting officials and delegation of authority during vacant periods. The purpose of this request is for scholarly research. These records **are not sought for commercial use**. Accordingly, I request assessment as an individual affiliated with an **educational institution** (5 U.S.C. § 552 (a)(4)(A)(ii)(II)).

However, I am **requesting a waiver of all fees** under 5 U.S.C. § 552(a)(4)(A)(iii). The information I seek is in the public interest because it will contribute significantly to public understanding of the operations or activities of the government and is not primarily in my commercial interest.

My request concerns the operations or activities of government because PAS appointees head agencies, direct policy implementation, select priorities, make budgetary decisions, monitor civil servants, reflect presidential ideology and policy priorities, and convey the president’s vision to the agency. Understanding the process by which agency leadership is selected is therefore important for developing research regarding the management of the administrative state.

Additionally, this information is fundamental to the public's understanding of how the administration operates during periods of vacant leadership.

Also, the information sought has informative value, or potential for contribution to public understanding.¹ As a scholar and researcher, I plan to disseminate this information to the public at large through publication in scholarly journals and other suitable publications. The topic of vacancies and acting officials has garnered attention within the fields of Administrative Law, Public Administration and Political Science. The journals of *Public Administration Review* and *Presidential Studies Quarterly* in particular have published a number of articles on vacancies. The following articles exemplify that the public is interested in vacancies and acting officials:

Dull, Matthew, and Patrick S. Roberts. "Continuity, Competence, and the Succession of Senate-Confirmed Agency Appointees, 1989-2009." *Presidential Studies Quarterly* 39, no. 3 (2009): 432-453.

O'Connell, Anne Joseph. "Shortening Agency and Judicial Vacancies through Filibuster Reform-An Examination of Confirmation Rates and Delays from 1981 to 2014." *Duke LJ* 64 (2015): 1645.

Resh, William G., Gary Hollibaugh, Patrick Roberts, and Matthew M. Dull. "Who Isn't Running American Government: Appointee Vacancies in US Executive Branch Agencies." *Journal of Public Policy*, (2019).

Nevertheless, further research is needed to understand the use of acting officials and delegations of authority. These scholars have not examined the degree to which these practices are used and how they may be strategic in nature. Further research will provide the public with an understanding of the activities of agencies during periods of vacant leadership.

I look forward to your response within the 20 working days, as outlined by the statute. If you have any questions, please do not hesitate to contact me at christopher.m.piper@vanderbilt.edu.

Thank you in advance,

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¹ Please note the decision in *Elizabeth Eudey v. Central Intelligence Agency*, 478 F. Supp. 1175, 1176 (D.C.D. 1979) (holding that even a single document has the potential for contributing to public understanding).